

UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF ILLINOIS  
EASTERN DIVISION

NEXT Payment Solutions, Inc.,

Plaintiff,

v.

CLEAResult Consulting, Inc.,

Defendant.

Case No. 17 CV 8829

**DEFENDANT’S MOTION IN LIMINE TO EXCLUDE ARGUMENT OR  
EVIDENCE IN SUPPORT OF AN UNJUST ENRICHMENT CLAIM  
PREMISED ON PROPRIETARY INFORMATION**

Defendant CLEAResult Consulting Inc., by and through its counsel, submits this motion in limine to exclude argument or evidence in support of an unjust enrichment claim premised on proprietary information.

For the reasons set forth in CLEAResult’s accompanying memorandum of law, CLEAResult respectfully requests an order: (1) excluding evidence or argument related to its alleged misuse of NEXT’s “proprietary information” and (2) prohibiting NEXT from presenting at trial any theory of unjust enrichment other than that CLEAResult has not paid for “services NEXT performed and licenses NEXT provided under the CCI SOWs and Licenses.” (Dkt. No. 36 (3/1/18 First Am. Compl.) ¶ 226.)

This motion is supported by the accompanying memorandum of law, declaration of J. Matthew Donohue, and supporting exhibits.

Pursuant to the Court’s Order of June 11, 2021 (Dkt. No. 459), CLEAResult certifies that, on September 3, 2021, the parties met and conferred regarding this motion and that

CLEAResult engaged in a good-faith attempt to resolve the disputes at issue, but the parties were unable to reach an agreement.

WHEREFORE, CLEAResult Consulting Inc. respectfully requests that the Court grant its motion in limine.

Dated this 8th day of September, 2021.

HOLLAND & KNIGHT LLP

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing DEFENDANT'S MOTION IN LIMINE TO EXCLUDE ARGUMENT OR EVIDENCE IN SUPPORT OF AN UNJUST ENRICHMENT CLAIM PREMISED ON PROPRIETARY INFORMATION to be served on the following person[s]:

Devan V. Padmanabhan Michelle E. Dawson Britta S. Loftus Paul J. Robbennolt Erin O. Dungan Sri K. Sankaran Padmanabhan & Dawson, P.L.L.C. 45 South 7th Street, Suite 2315 Minneapolis, Minnesota 55402 Telephone: (612) 444-3377 Facsimile: (612) 444-3195 devan@paddalawgroup.com michelle@paddalawgroup.com britta@paddalawgroup.com paul@paddalawgroup.com erin@paddalawgroup.com sri@paddalawgroup.com	Paul B. Thanasides Mary Ruth Thanasides McIntyre Thanasides Bringgold Elliott Grimaldi Guito & Matthews, P.A. 500 E. Kennedy Blvd., Suite 200 Tampa, FL 33602 Telephone: (813) 223-0000 paul@mcintyrefirm.com mary@mcintyrefirm.com  Bartholomew B. Torvik Torvik Law LLC 701 Main St. #204 Evanston, IL 60202 bart.torvik@torviklaw.com
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by CM/ECF electronically mailed notice from the Court on the date set forth below.

DATED September 8th, 2021.

s/ J. Matthew Donohue  
J. Matthew Donohue